


697 F.2d 1213, 1219 (4th Cir. 1982); see Kerns v. United States, 585 F.3d 187, 192–93 (4th Cir. 2009). Thus, taking the facts in the amended complaint and reasonable inferences drawn therefrom as true, the court finds that it has diversity jurisdiction over this lawsuit. Accordingly, the court denies Adams’s motion to dismiss under Rule 12(b)(1). If discovery suggests that diversity jurisdiction does not exist, Adams may renew his Rule 12(b)(1) motion.

As for Adams’s motion under Rule 12(b)(6), the court has reviewed the record and the parties’ arguments under the governing standard. See Ashcroft v. Iqbal, 556 U.S. 662, 677–80 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 554–63 (2007); Coleman v. Md. Court of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff’d, 566 U.S. 30 (2012); Giarrantano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008). In considering the motion, the court construes the facts and reasonable inferences “in the light most favorable to [the nonmoving party].” Massey v. Ojaniit, 759 F.3d 343, 352 (4th Cir. 2014) (quotation omitted). Taking the allegations in the amended complaint and all reasonable inferences drawn therefrom as true, Quality Labor has “nudged [its] claims across the line from conceivable to plausible.” Twombly, 550 U.S. at 547. Accordingly, the court denies Adams’s motion to dismiss under Rule 12(b)(6). Whether the claims will survive defendant’s inevitable motion for summary judgment is an issue for another day.

In sum, the court DENIES WITHOUT PREJUDICE defendant’s motion to dismiss [D.E. 12]. If the parties desire to participate in court-hosted settlement conference, the court will make a United States Magistrate Judge available. The parties shall inform the court not later than November 19, 2021, whether they desire to have a court-hosted settlement conference. Otherwise, the parties shall confer and file a discovery plan pursuant to Federal Rule of Civil Procedure 26.

SO ORDERED. This 3 day of November, 2021.



JAMES C. DEVER III
United States District Judge